

**KANE KESSLER, P.C.**

1300 AVENUE OF THE AMERICAS  
NEW YORK, NEW YORK 10019-4896  
(212) 541-6222  
FAX: (212) 245-3009  
WWW.KANEKESSLER.COM

NEW JERSEY OFFICE  
CONTINENTAL PLAZA  
433 HACKENSACK AVENUE  
HACKENSACK, N. J. 07601-0319  
(201) 487-2828  
FAX: (201) 487-3776

WRITER'S DIRECT NUMBER

(212) 519-5165  
[lstoll@kanekeessler.com](mailto:lstoll@kanekeessler.com)

August 18, 2008

THOMAS A. KANE (1926-1977)  
SIDNEY S. KESSLER (1938-1988)

DARREN S. BERGER  
ADAM M. COHEN  
STEVEN E. COHEN  
JEFFREY H. DAICHMAN  
ERIC P. GONCHAR  
ARIS HAIGIAN  
MITCHELL D. HOLLANDERT  
S. REID KAHN  
ROBERT L. LAWRENCE  
RONALD L. NURNBERG  
ARTHUR M. ROSENBERG  
DAVID R. ROTHFELD  
JUDITH A. STOLL  
DANA M. SUSMAN  
JEFFREY S. TULLMAN

JOSEPH NURNBERG (RETIRED)

ALSO ADMITTED  
FLA. BAR  
N.J. BAR  
N.J. AND D.C. BAR

STEPHEN STEINBRECHER  
SENIOR COUNSEL

TARAS G. BORKOWSKY  
PETER R. HERMAN  
ROBERT KOLODNEY  
ROBERT L. SACKS  
BRUCE M. SCHLOSS  
PAUL E. SZABO  
COUNSEL

MICHAEL A. ZIMMERMAN  
OF COUNSEL

GARY E. CONSTABLE  
LAUREN M.K. DAYTON  
PIERRE E. DEBBAS  
NIKI J. FRANZITTA  
ARI M. GAMES  
BRENDAN P. McFEELY  
ETHAN O. NOTKIN  
GARY E. OSTROFF  
TORAL PATEL  
MICHAEL J. ROMER  
GERARD SCHIANO-STRAIN  
ADAM E. SCHWARTZ  
ALEXANDER SORIC  
LOIB M. TRAUB  
REGINA Y. USVJAT  
JOSEPH J. VENTIMIGLIA  
SARAH GAWANY YOUSUF  
JONATHAN A. ZALKIN

By fax and mail: (212) 805-7920  
Hon. Shira A. Scheindlin  
United States District Judge  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

Re: Bielinski and Pardo v. Pierre Hotel  
07 Civ. 11636 (SAS)

Dear Judge Scheindlin:

I am in receipt of a letter to you from plaintiffs' attorney, Arthur Schwartz, Esq., dated August 15, 2008, a copy of which was faxed to me at 5:35 P.M. on that date. I did not receive a copy of the fax until this morning. I want to correct the misleading statement in that letter, claiming I would not object to an extension of time from August 15 until September 26, 2008 for plaintiffs to file their opposition papers.

Mr. Schwartz called me shortly before 5:00 P.M. on August 15, to tell me that he would be unable to submit his papers on time and required an extension. I told him that I could not give my consent and that he would have to ask Your Honor's permission for an extension. I asked him how much time he needed and he told me that he would be out of town for three (3) weeks. He led me to believe his intention was to seek a three-week extension. I expressed the opinion that that was too long an extension and did not think Your Honor would grant it. I expressed my displeasure that he was seeking an extension and at the last minute request, but I did tell him that I did not want to be discourteous to a colleague and would not oppose a request for a reasonable extension, if he really needed it.

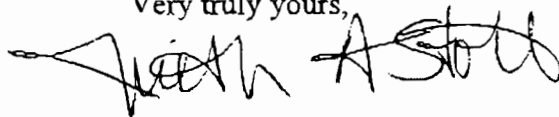
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KANE KESSLER, P.C.

I was surprised this morning when I saw Mr. Schwartz's request for a six-week extension of time. While I can understand that unexpected events can occur which place attorneys in a difficult position, Mr. Schwartz has known for more than two (2) months that opposition papers were due on August 15<sup>th</sup>, must have known before 5:00 P.M. that day that he could not submit his papers on time, and – quite frankly – should have made more of an effort to meet the Court's deadline.

Although I would have given Mr. Schwartz the courtesy of not opposing a brief and reasonable extension of time upon a showing of extraordinary circumstances, I find that I must protest his request for this unreasonably lengthy and, it appears to me, unjustified extension.

Very truly yours,



Judith A. Stoll

JAS: cmb

cc: Arthur Schwartz, Esq.  
Yvonne Mancini

Plaintiff's time to submit his opposition papers is extended to September 5, 2008. No further extensions will be granted for any reasons.

Dated: New York, New York  
August 18, 2008

SO ORDERED:



Shura A. Schweindt  
U.S.D.J.